

**REMARKS**

Continued examination pursuant to 37 C.F.R. § 1.114 is requested on the basis of this submission pursuant to 37 C.F.R. § 1.111 and payment of the required fee. Entry of the foregoing and further and favorable consideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested.

The subject application was filed on December 12, 2003. Priority was claimed to Provisional Application No. 60/432,674 in the transmittal document, which identified the application as a C.I.P. of Application No. 60/432,674 and in the Declaration and Power of Attorney filed on August 16, 2004.

The claim to priority was noted by the United States Patent and Trademark Office in the Official Filing Receipt mailed August 11, 2004.

Where, as in this case, a claim for priority is not included in the first sentence of the specification or in an ADS under 37 C.F.R. § 1.78, but does appear either in the Oath or Declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition is required except a late claim for priority. *See*, M.P.E.P. § 201.11(III)(D) and 66 FR 67087.

By the present amendment, a first sentence is inserted in the specification to contain the appropriate cross-reference and claim to priority. A supplemental data sheet is also submitted which contains this and other data regarding the application. No new matter has been added.

### **CONCLUSION**

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 31, 2008

By: /Christopher L. North, Ph.D./  
Registration No. 50,433

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620